

REMARKS

Claims 1-4 and 6-10 remain pending in this Application. The present Amendment and Remarks are in response to the Office Action entered in the above identified application and mailed on October 22, 2003. Claim 6 was amended in this response to overcome the Examiner's objection. No new matter has been introduced. Favorable reconsideration is respectfully requested.

In the Office Action the Examiner objects to the title of the invention as being non-descriptive of the claimed invention. The applicant respectfully disagrees, as the subject matter of the invention directly deals with semiconductor light emitting devices. Accordingly, it is difficult to understand in what way the present title is non-descriptive.

Claims 1, 2, 7, and 10 were rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,320,209 to *Hata*, and claims 8, 9 were rejected under 35 U.S.C. §103 as being obvious in light of *Hata*. Claims 3 and 4 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants respectfully traverse the rejections.

Specifically, the present application claims priority to Japanese Application P2001-061837, filed on March 6, 2001. This date precedes the effective 35 U.S.C. §102(a) date of the *Hata* reference. Accordingly this patent cannot be considered prior art for the purposes of 35 U.S.C. §102(a).

For these reasons, Applicant respectfully submits that the claims as presently amended are all in condition for allowance. Applicant therefore requests that the Examiner allow the claims move the application to issue. A petition for a three month extension of time accompanies this response and a check in the amount of \$950.00 is also included.

If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

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BY 

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